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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

SUBDIVISION REVIEW BOARD

MEETING DATE June 2, 2014	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT PB Coastview LLC	FILE NO. COAL14-0026 SUB2013-00055
SUBJECT Hearing to consider a request by PB Coastview LLC for a Lot Line Adjustment/Coastal Development Permit (COAL 14-0026/SUB2013-00055) to adjust the lot lines between four parcels of 40, 132, 335, and 394 acres each. The adjustment will result in two parcels. The first parcel will be 20 acres and the second will be 880 acres. The project will not result in the creation of any additional parcels. The proposed project is within the Rural Lands land use category and is located along Mattie Road to the west, Thousand Hills Road to the east, and is adjacent to the City Limits of Pismo Beach to the south (Pismo Heights) neighborhood. The site is in the San Luis Bay (Inland and Coastal) planning areas. The intent of the Lot Line Adjustment is to provide the majority of the property for open space, conservation and public access.			
RECOMMENDED ACTION 1. Approve Lot Line Adjustment COAL 14-0026 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption].			
LAND USE CATEGORY Rural Lands, Agriculture	COMBINING DESIGNATION Archaeologically Sensitive, Local Coastal Plan, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 079-231-002, 079-241-002, 079-241-009, 079-241-010	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: 22.106.020 – San Luis Bay Rural Area Standards, 22.106.080 – Pismo Beach Urban Area Standards, San Luis Bay (Coastal) – Chapter 8, Planning Area Standards			
LAND USE ORDINANCE STANDARDS: 22.22.050 – Subdivision Design Standards for the Rural Lands land use category			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Grazing <i>East:</i> City of Pismo Beach/Single family residential <i>South:</i> City of Pismo Beach/Residential, commercial <i>West:</i> City of Pismo Beach/Undeveloped, residential, commercial			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, CalFire, City of Pismo Beach, California Coastal Commission			
TOPOGRAPHY: Moderately to steeply sloping		VEGETATION: Grasses, forbs, chaparral, oaks	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CalFire		ACCEPTANCE DATE: April 30, 2014	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

PROJECT DESCRIPTION

This request is made by PB Coast View, LLC for a Lot Line Adjustment/Coastal Development Permit to adjust the lot lines between four parcels of approximately 40, 132, 335, and 394 acres each. The adjustment will result in two parcels total. One of the parcels will be 20 acres with the second parcel at 880 acres.

A single, circular parcel of one acre exists within the 394 acre parcel. This parcel contains the existing radio tower and is not a part of this Lot Line Adjustment. The project will not result in the creation of any additional parcels.

The intent of the Lot Line Adjustment is to provide the majority of the property for open space, conservation and public access. The 880 acre parcel, along with 15 acres from the 20 acre parcel, will be entirely within an open space easement. This easement will contain hiking, biking and equestrian trails open to the public. In addition, a parking area and restrooms will be provided along Mattie Road, upon review of a land use permit for such uses.

The proposal also includes a five acre building site on the 20 acre parcel. The remainder of the 20 acres (15 acres) will be granted back to a conservation agency in the form of an open space easement. The building site is located on the tentative map and is labeled as "Proposed Building Envelope".

Within this building envelope, a maximum of two single family residences, residential accessory structures, agricultural accessory structures and other uses allowed in the Rural Lands category can be constructed.

The five acre building site is not visible from public vantage points such as Highway 101, Price Canyon Road and Pismo State Beach. By siting the proposed building envelope in an area that is not visible from public views and by incorporating the following measures, visual impacts are not considered significant:

- Siting the building envelope in a location that will not silhouette against the sky backdrop, will not be highly visible from public viewpoints.
- Locating development (including water tanks) away from ridgelines.
- Limiting building heights to 25 feet maximum.
- Using colors and materials that have a chroma value of 6 or less in the Munsell's Book of color for the exterior of the house and other structures and dark colored roofing material. All dwellings will also provide larger overhangs and porches to reduce the exterior color contrast to the natural setting.
- Landscape will be provided as screening in those areas where the structures are more visible.
- Grading will be limiting to the minimum amount required to access building site to avoid visual and drainage impacts from site disturbance.

Only a portion of the larger proposed open space parcel is within the coastal zone (see attached map for location of the coastal zone boundary). The five acre portion of the smaller 20 acre parcel where residential development will occur is outside the coastal zone and would therefore be subject to inland area standards during the development stages of the project.

A portion of the larger proposed open space parcel is within the Sensitive Resource Area (SRA) combining designation, while almost the entire proposed 20 acre will be inside the the SRA (see attached map for the location of the SRA). The purpose of this combining designation on this property is primarily for visual resources. These areas contain the hillsides that are

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visible from Highway 101, Price Canyon Road and several vantage points in the City of Pismo Beach. As stated above, the proposed building area will be located outside of the coastal zone and the SRA area where the 20 acre parcel will occur is within a valley and not visible from any public vantage point.

ORDINANCE COMPLIANCE

The applicant is proposing to adjust the lot lines between four legal parcels. Three parcels are within the County, the 40 acre parcel is located within the Pismo Beach city limits. The adjustment includes the following:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
40	20
132	880
335	
394	

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The Lot Line Adjustment will result in a position that is better than the existing configuration because there are currently four parcels that can each be developed with two primary residences and other accessory uses allowable in the Rural Lands land use category (e.g. detached garage, workshop, and guest unit, associated with each of the potential two residences.). After the adjustment, only the 20 acre parcel will have the residential development potential described above, within a designated building envelope, with the remainder of the site placed in an open space easement with uses that will be limited to a future parking area, restrooms and other facilities and features approved by the City of Pismo Beach, Land Conservancy and County. The installation and construction sequence of this project which will require the review and approval of a subsequent land use permit.

This lot line adjustment will result in the reconfiguration of the four existing parcels into two parcels. This will result in the combining of three of the parcels into a larger 880 acre parcel in order to provide for one large open space parcel that will provide for public outdoor recreation opportunities.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

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PLANNING AREA STANDARDS

San Luis Bay (Inland) Area Plan

22.106.020 – San Luis Bay Rural Area Standards

Applicable standards include application referral to the City of Pismo Beach and Pismo Beach Hillsides Sensitive Resource Area.

The project was referred to the City of Pismo Beach (referral responses attached). The City's community development department responded that the proposal appears compatible with City's policies pertaining to preservation of the hillsides facing the ocean and vision for a coastal foothill open space and recreational trail system. They would appreciate the opportunity to provide comments on any future development proposals on the parcels. The City's Police Department replied with concerns regarding public access and the agency responsible for policing the area since the project is within the County, but City law enforcement services are in closer proximity to the site. Discussion between the City's Police Department and County Sheriff's Office should occur early in the process. County staff met on-site with Cal Fire personnel to determine if any additional access would be required as part of the Lot Line Adjustment. Because there will only be one building site on the smaller 20 acre parcel, Cal Fire stated that they would not require any additional access improvements as part of the Lot Line Adjustment proposal, but would require secondary access improvements with any residential building permit application. This access would be from the terminus of Longview Avenue in the City of Pismo Beach Pismo Heights neighborhood to the proposed building site.

22.106.080 – Pismo Beach Urban Area Standards

Applicable standards pertain to the Pismo Beach Hillsides Sensitive Resource Area (SRA).

The inland San Luis Bay plan has standards for a visual analysis, development above the 200 foot contour (all of the eastern most parcel) has to be 90% screened by existing topography from Pismo and 101, roads to be the on the least visible and minimum cross slopes (max. 5 foot cuts in visible areas), use existing vegetation to screen cut and fill slopes. Section C.3.e(3)(c through f) seem to be specific to oil and or gas facilities.

The plan further states that the properties zoned Rural Lands along Price Canyon/Ormonde Road are not appropriate for intensive residential uses and in the short term should be used for agricultural uses, but not preclude proposed extraction of resources.

When revisions to this plan were adopted in 2003, it appears that the thinking was that oil and gas facilities might expand out to the parcels that are currently part of this Lot Line Adjustment. The plan and planning area standards that were adopted for this area do not specifically address residential development, but seem to be in many ways specific to oil and gas facilities.

San Luis Bay (Coastal) Area Plan

Chapter 8 – Planning Area Standards – Pismo Beach Urban Area Standards

This section states that development should be concentrated on moderate slopes leaving steeper slopes undeveloped.

No development is proposed within the coastal portion of the site.

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COASTAL PLAN POLICIES

Shoreline Access: ☒ N/A

Recreation and Visitor Serving: Policy No(s): 1

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: Policy No(s): 20

Agriculture: ☒ N/A

Public Works: ☒ N/A

Coastal Watersheds: ☒ N/A

Visual and Scenic Resources: Policy No(s): 1

Hazards: ☒ N/A

Archeology: Policy No(s): 1,4

Air Quality: ☒ N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION

Recreation and Visitor Serving

Policy 1: Recreation Opportunities. This policy states that coastal recreational and visitor serving facilities, especially lower cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.

The purpose of the adjustment is to provide an 880 parcel, along with 15 acres from the proposed 20 acre parcel, for conveyance to a conservation agency with the intent to provide public access to the property for hiking, biking and equestrian activities. The project is consistent with this policy because it will provide for outdoor recreational activities for the public with the use of public and private funding to acquire the property.

Environmentally Sensitive Habitats

Policy 20: Coastal Streams and Riparian Vegetation. This policy provides for protection and preservation of coastal streams and adjoining riparian vegetation.

The current adjustment will allow approximately 900 acres of land to be held by a conservation agency with the intent to provide outdoor recreation activities and educational outreach on the native habitats that occur on the property. No development will occur within the streams or require the removal of riparian vegetation.

Policy 21: Development in or Adjacent to a Coastal Stream. This policy requires development to be designed and sited in a manner to prevent impacts to the stream and surrounding habits.

The proposed building area on the smaller 20 acre parcel is the only area currently proposed for development. This area is outside the coastal zone and is not located adjacent to any streams or riparian vegetation occurring on the site.

Visual and Scenic Resources

Policy No(s): 1: Protection of Visual and Scenic Resources. This policy provides for protection and preservation of scenic vistas and sensitive habitats.

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The subject property is located on hillsides that are visible from Highway 101, Price Canyon Road and several vantage points in the City of Pismo Beach. No development is proposed within these public view sheds. The proposed building area is located outside the coastal zone within a valley that will not be visible from any public viewpoints.

Archaeology

Policy No(s): 1: Protection of Archaeological Resources. This policy provides for protection and preservation of known and potential archaeological resources.

No development is proposed with the Lot Line Adjustment. Should development occur on the proposed building site or with a subsequent land use permit in the future, those permits would be subject to providing archaeological surface surveys. If any resources are found, the permits would be subject to mitigation measures to avoid or reduce impacts to a level of insignificance.

Policy No(s): 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. This policy requires preliminary site surveys by a qualified archaeologist prior to determination of potential environmental impacts for the project.

As stated above under policy 1, any future development on the parcels will be subject to discretionary permit approval which would necessitate submittal of a surface survey prior to issuance of construction permits and incorporation of mitigation measures if resources are found.

AGENCY REVIEW

Public Works – No concern with proposed adjustment

Environmental Health – No concern or comments at this time

CA Coastal Commission – Conceptually supportive of the proposal

Agricultural Commissioner's Office – Proposal is "equal to" the existing configuration

City of Pismo Beach – Community Development Department - Compatible with City's vision for preservation of the hillsides and plans for trail system; Police Department – Concerns with policing the area and who is responsible for responding to calls from the project site

CalFire – No improvements needed with current proposal, secondary access improvements with future development on the proposed building site

STAFF COMMENTS

The lot line adjustment is a means to facilitate the Land Conservancy's acquisition of the 880 acre parcel along with 15 acres of the smaller 20 acre parcel. If a land conservancy agency obtains the property, the intent is to provide a parking area, restroom, and multi-use trails for hiking, biking and equestrian activities. The location of the parking area and restroom is located within the local coastal plan area along Mattie Road and these facilities will be subject to subsequent land use permit review due to the project being in a sensitive resource area for visual resources.

Historically, the property has been used for cattle grazing on the slopes above Mattie Road. This proposal will allow the majority of the site to be transferred to a land conservation agency and be placed into an open space easement to be preserved in perpetuity.

In response to the City of Pismo Beach Police Department, the current Lot Line Adjustment application does not include any plans for public recreational access. The public use will only occur if a land conservancy agency acquires the property and subsequently opens up the site to the public. As stated above, the intent is to provide some facilities to the public which will

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require a discretionary process. This process will include referrals to the City for any comments or concerns with that proposal.

In order to effectuate the lot line adjustment, the applicant will need to obtain approvals from the City of Pismo Beach prior to recordation of a final parcel map or certificates of compliance, as needed. A condition has been added accordingly.

LEGAL LOT STATUS

The four existing lots were legally created certificates of compliance at a time when that was a legal method of creating lots.

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FINDINGS - EXHIBIT A

Environmental Determination

- A. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.
[Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

Lot Line Adjustment

- B. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the parcels meet the minimum parcel size for the Rural Lands and Agriculture land use categories.

Coastal Access

- C. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

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CONDITIONS - EXHIBIT B
PB Coastview LLC (SUB2013-00055/COAL 14-0026)

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance.
2. If a parcel map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
 - c. A tax certificate.
3. Any private easements described in the title report must be shown on the parcel map, with recording data.
4. When the parcel map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
5. All conditions of approval herein specified are to be complied with prior to the recordation of the parcel map or certificates of compliance which effectuate the adjustment. Recordation of a parcel map is at the option of the applicant. However, if a parcel map is not filed, recordation of a certificate of compliance is mandatory.
6. The parcel map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
7. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
8. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
9. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the parcel map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
10. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
11. Private ingress/egress easement(s) from a public road to the proposed interior parcel shall be reserved by recordation of Restrictive Covenant(s) and/or easement deed(s) prior to, or concurrent with, recordation of the Lot Line Adjustment.

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12. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an open space agreement, in a form approved by County Counsel, which includes the following:
 - a. The open space area will allow such outdoor recreational uses as hiking, biking and equestrian activities. Ground disturbance for new trails is allowable and will be done by hand (no large grading equipment will be used).
 - b. The open space area can be used for a parking area and restrooms along the Mattie Road frontage with approval of a subsequent land use permit.
13. **Prior to, or concurrent with recordation of the final parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant will obtain any necessary approvals from the City of Pismo Beach.